

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case 3448
)	
VINCENT R. FORSHAN, D.O.)	FINDINGS OF FACT,
Holder of License No. 3513 for the)	CONCLUSIONS OF LAW
practice of osteopathic medicine)	AND ORDER FOR
in the State of Arizona.)	PROBATION OF LICENSE
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On November 19, 2004, the AZ Board of Osteopathic Examiners (hereafter “Board”) notified Vincent R. Forshan, D.O., (hereafter “Respondent”), holder of license number 3513 of a complaint against his license to be reviewed by the Board on December 11, 2004. The Board received verbal notice of representation by Thomas Connelly, Attorney at Law.

On December 11, 2004, Respondent notified the Board he would not be appearing at the meeting for the review, and that his attorney had withdrawn from representing him. The Board voted the case to Investigative Hearing on December 11, 2004.

On December 13, 2004, Respondent was notified that the Board would conduct an Investigative Hearing on this matter on January 22, 2005 at the Board’s office at 9535 E. Doubletree Ranch Road, Scottsdale, AZ 85258. On December 27, 2004, Respondent provided a written response to the case. The Board was notified that Respondent was represented by Calvin L. Raup, Attorney at Law.

On December 29, 2004, the Board notified Respondent’s attorney of amended factual allegations. On January 10, 2005, Respondent provided a written response to the amended allegations.

On January 11, 2005 the Board met and conducted the Investigative Hearing on this matter. Respondent appeared and was represented by Mr. Raup. After reviewing the

documentation provided and hearing testimony from Respondent, the Board voted to enter the following Order, and directed staff to prepare the Findings of Fact, Conclusions of Law, and Order for approval at the March 12, 2005 meeting. At the March 12, 2005 meeting, the Board approved this document.

JURISDICTIONAL STATEMENTS

1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona.

2. Vincent R. Forshan, D.O., (hereafter "Respondent"), is a licensee of the Board and holder of License No. 3513.

3. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery possesses jurisdiction over the subject matter hereof and over the application for license submitted by Respondent.

FINDINGS OF FACT

4. On or about July 2004, Respondent discontinued taking all but one of the medications that had been prescribed for him by the physicians who were treating him for chronic depression and other physical conditions. He did so because he had accepted a position in a surgical practice, without notifying or obtaining the advice of the prescribing physicians.

5. Respondent testified that he had taken the position expecting to assist another surgeon. Instead. Respondent testified that he became responsible for the office, having to finish or take over cases when the other surgeon was incapable of completing or doing the surgical procedure or did not show up to do the surgeries.

6. During that period (July and November 2004), Respondent prescribed for himself

a number of medications, including a selection of psychotropic medications he had previously been prescribed by other physicians, which he took on an intermittent schedule of his own choosing. Respondent did not tell his treating physician that he was treating himself.

7. On October 21, 2004, in response to the stress of his practice, Respondent overdosed on Ambien and alcohol. This was the second such incident in Respondent's history; he had also overdosed on Ambien and alcohol in April 2004. Respondent testified these were the only incidents in his history of alcohol or substance abuse.

8. Between November 22 and December 10, 2004, Respondent participated in an in-patient treatment program that concluded that Respondent's poorly managed physical conditions had exacerbated his depression, which culminated in the October 2004 overdose.

CONCLUSIONS OF LAW

The conduct described in paragraphs 4 and 9 above constitutes unprofessional conduct as defined at A.R.S. § 32-1854:

(38.) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

(39.) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:** Vincent R. Forshan, D.O. ("Respondent"), Board license 2311 will be placed on **PROBATION** for two (2) years **EFFECTIVE January 12, 2005**, and he shall comply with the terms and conditions of probation as set forth herein:

1. That Respondent shall provide the Board monthly reports from his treating

psychiatrist. Within 10 days of the issuance date of this Order, Respondent shall provide to the Board staff, in writing, the name, address, and telephone number of his treating psychiatrist. Each monthly report shall be submitted from the psychiatrist directly to the Board by the 10th day of the following month and shall include, at minimum, a list of all medications prescribed for Respondent and comment on Respondent's compliance with the treatment regimes. Any costs of the reports shall be borne by Respondent. The reports will be held confidential under A.R.S. § 32-1855.03 (D and E).

2. That Respondent shall not prescribe any medications for himself; specifically, Respondent shall not prescribe or write refills for himself, take any prescription-only medications not prescribed for him by another licensed health care provider, nor shall he stop taking or reduce the dosage of any medication prescribed for him by another licensed health care provider unless that provider has so directed. Respondent shall notify the Board staff, in writing, of the name(s) of any health care provider(s) from whom he seeks care, and the medications prescribed. The initial notice is due to the Executive Director within 10 days of the issuance date of the Order. If Respondent seeks care from other health care providers, or a current provider changes prescriptions, a written notice is to be received within 72 hours of Respondent's first visit to that health care provider or the change in prescription. The reports will be held confidential under A.R.S. § 32-1855.03 (D and E).

3. Respondent shall appear before the Board or staff upon receipt of a written, telephonic, or electronic notification from the Board staff given at least five (5) days prior to the meeting.

4. In the event Respondent moves from Arizona or ceases to practice medicine in Arizona while still maintaining an Arizona license, he shall give written notice to the Board within twenty (20) days of moving or ceasing practice. The Board may stay the terms and duration of

probation until Respondent again practices medicine in Arizona, or may take other action.

5. Respondent's failure to comply with the terms of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(25) and may be considered grounds for disciplinary action.

ISSUED this 12th day of March, 2005.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

Signature on File

By: _____
Elaine LeTarte, Executive Director

Original of the foregoing mailed
this 14th of March, 2005 to:

Calvin Raup, Attorney at Law
Shugart Thomson & Kilroy, P.C.
3636 N Central Avenue, Suite 1200
Phoenix AZ 85012

Copies of the foregoing mailed
this 14th day of March, 2005 to:

Vincent R. Forshan, D.O.
12910 East Corrine Drive
Scottsdale AZ 85259

Blair Driggs, Assistant Attorney General
Office of the Attorney General
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Phoenix AZ 85007